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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,365	12/04/2003	John E. Burton	053990-0039	6378
20572	7590	02/09/2006	EXAMINER	
GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			CARIASO, ALAN B	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/728,365		BURTON, JOHN E.	
	Examiner		Art Unit	
	Alan Cariaso		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 25-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040603</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I directed to claims 1-24 of which Specie I directed to figures 1-14 in the reply filed on November 16, 2005 is acknowledged. Applicant states that claims 1, 13 and 18 are generic. No further claims appear to be elected directed to the Specie I, figures 1-14. Examiner has designated claims 1-10 and 12-24 drawn to figures 1-14. Claims 1-10 and 12-24 are examined below. Claim 11 is withdrawn as being directed to non-elected specie.
2. Claims 25-31 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 16, 2005.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10 and 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by OHTSUKA et al (US 5,546,283).
5. Claims 1-10, OHTSUKA discloses an adjuster and bracket assembly comprising: a mounting bracket (housing or fixed member 2, fig.1, col.2, lines 49-50) dimensioned to

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pivotally receive a reflector (24, fig.2); an adjuster (22 in figs.1, 2, 4 & 5) secured to the mounting bracket (2) such that when the reflector (24) is pivotally received by the mounting bracket (2) after the adjuster (22 being part of adjusting screws 17h, 17v) has been secured thereto (col.3, lines 25-30), the adjuster (22) communicates with the reflector (24) such that rotation of an aiming screw (17h, 17v) within the adjuster (22) causes pivoting of the reflector (24) within the mounting bracket (2); wherein the mounting bracket (2) has at least one arm (boss seat 6 with pivot arm 16, fig.6) extending there from into which the reflector (24) may be snap-fitted (col.5, line 64 - col.6, line 9); wherein the mounting bracket (2) has a head retaining bracket (extension in figs.4-5 extending behind rear wall 4), the aiming screw (17h) of the adjuster (22) fitted into the head retaining bracket (fig.5); wherein the aiming screw (17h) has a screw boss (nut 30) threaded thereon, the screw boss (30) in communication with the reflector (24) when the reflector is pivotally received (col.5, line 64 to col.6, line 9) by the mounting bracket (2) such that rotation of the aiming screw (17h, col.6, lines 10-20) causes the screw boss (30) to move along the aiming screw resulting in a pivoting of the reflector (24); wherein the screw boss (30) mates with a fin (mounting part 27) extending from the reflector (24) when the reflector (24) is pivotally received by the mounting bracket (2, fig.2); wherein the screw boss (30) has a tab (engaging protrusion 32) that engages a slot (mounting hole 27a) in the fin (27) when the reflector (24) is pivotally received by the mounting bracket (2, fig.2); wherein the screw boss (30) has at least one engagement channel (formed by opposing side walls 31) that engages a slot (mounting hole 27a, figs.2, 4 & 5) in the fin (27); wherein the screw boss (30) is slidably

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engaged (via guide protrusions 39, guide parts 12, guide walls 14, figs.2 & 5) to the mounting bracket (2), by sliding engagement with a rail (12,14) on the mounting bracket (2) such that rotation of the aiming screw (17h) causes the screw boss (30) to slide (col.6, lines10-25) along the rail (12,14) resulting in pivoting of the reflector (24); wherein the rail (12,14) is substantially parallel to the aiming screw (figs.2 & 5); a lamp assembly (of claims 13-17) comprising: a lamp (1) having a lens, the reflector (24) a bulb (fig.4), the mounting bracket (2) dimensioned to pivotally receive the reflector (24) and the adjuster (22, 17h) secured to the mounting bracket (2); method of assembling the adjuster and bracket assembly (22,17h,2) comprising the steps of securing the adjuster (22) to the mounting bracket (2) (col.5, lines 29-55), pivotally attaching the reflector (24) to the mounting bracket (col.5, lines 56-57), functionally engaging the adjuster (22, 17h) to the reflector (24) to form the lamp assembly (col.5, line 64 to col.6, line 9), the step of installing the lamp assembly (1) into a vehicle (col.2, lines 43-50), the step of actuating the adjuster (22) to pivot the reflector (24) and thus aim the lamp assembly (col.6, lines 10-20).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over SHAMIR et al (US 5,267,128).

8. SHAMIR discloses an adjuster and bracket assembly comprising: a mounting bracket (retainer 40) dimensioned to pivotally receive a housing (34, fig.2); an adjuster (48 in fig.2) secured to the mounting bracket (40 via 50, col.2, lines 28-29) such that when the housing (24) is pivotally received by the mounting bracket (40) after the adjuster (48) has been secured thereto (col.2, lines 28-30), the adjuster (48) communicates with the housing (34) such that rotation of an aiming screw (48) within the adjuster (head of screw 48, fig.2) causes pivoting of the housing or lamp (34,32) within the mounting bracket (40); wherein the mounting bracket (40) has a plurality of arms (42,44, fig.5) and the housing (34, 32) has a plurality of posts (47, fig.3), the arms (figs.3 & 5) functionally engaging the posts (47) such that actuation of the adjuster (48) causes the reflector to pivot on the posts (47) (col.2, lines 27-30).

9. However, SHAMIR does not disclose a reflector. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the adjustable lamp assembly of SHAMIR to include a reflector as part of the housing, since it is known in the art that the housing of a lamp defines a reflector or has reflective properties for the purpose of efficiently directing light from the internal light source toward the forward lens and minimizing loss of light to illuminate forward of the vehicle.


Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MIZUNO et al (US 6,481,880) shows an adjuster assembly (2,2a) including an aiming screw (2) mounted to bracket or housing (11, figs.1-2) threaded in a screw boss (3) holder (5) connectable to a reflector (2) and slidably engaged to a rail (4). SHIRAI (US 6,543,916) shows a reflector-lamp adjustably pivoted and mounted to a housing by a screw-boss slidably engaged to a rail of housing. IWAMOTO (US 4,870,544) shows a screw boss (16, figs. 3 & 5) having an engagement channel (72) engaging a slot (25a) in a fin-like guide-member (25) extending from reflector (10). BIRT (US 5,060,127) shows a reflector with plural posts engaging pivot-ball arms of the stationary housing. SAIJO et al (US 4,689,725) show a frame (2) defining an autobody part or bracket (col.3, lines 14-15).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alan Caruso
Primary Examiner
Art Unit 2875

February 6, 2006
AC